

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Gerbestone Manor Farm operated by Mr S. T. Ling; Mrs C. Ling and Mrs B. Timewell.

The permit number is EPR/TP3836EF/A001

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Structure of this document

- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Key issues of the decision

Ammonia Impacts

There are two Special Areas of Conservation (SAC) within 10km of the site. There are five Sites of Special Scientific Interest (SSSI) within 5km of the site. There are eight Local Wildlife Sites (LWS) and two Ancient Woodlands (AW) within 2km of the site.

Assessment of Special Areas of Conservation (SAC)

If the Process Contribution (PC) is below 4% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using the Ammonia Screening Tool (v4.4) has indicated that emissions from Gerbestone Manor Farm will only have a potential impact on SACs with a precautionary critical level of 1 µg/m³ if they are within 4,168m of the emission source. Beyond 4,168m the PC is less than 0.04 µg/m³ (i.e. less than 4% of the 1µg/m³ critical level) and therefore beyond this distance the PC is insignificant.

Holme Moor and Clean Moor SAC is beyond this distance (9.3km away). It is therefore possible to conclude no damage on this site.

Screening using the Ammonia Screening Tool (v4.4) has determined that the PC for ammonia on Quants SAC from the application site is under the 4% significance threshold and can be screened out as having no likely significant effect. See results below.

Table 1 – Ammonia Emissions

Site	Critical Level Ammonia $\mu\text{g}/\text{m}^3$	Predicted Process Contribution $\mu\text{g}/\text{m}^3$	% of Critical Level
Quants	3*	0.096	3.2%

*Natural England consultation confirmed critical level of 3 $\mu\text{g}/\text{m}^3$

Screening using the Ammonia Screening Tool (v4.4) has determined that the process contributions of acid and nitrogen (N) deposition on Quants SAC from the application site are over the 4% significance threshold. As such, it is not possible to conclude no likely significant effect on this basis alone. Where the process contribution falls between 4% and 20%, Environment Agency guidance indicates that an in combination assessment should be undertaken.

There are no other farms acting in-combination with this application. The PC is predicted to be <20% Critical Load significance threshold. It is possible to conclude no significant effect to the site from the installation, no further assessment is required. See results below.

Table 2 – Nitrogen deposition

Site	Critical Load kg N/ha/yr	PC Kg N/ha/yr	PC % Critical Load
Quants	10	0.498	5.0%

*Critical load values taken from APIS website (www.apis.ac.uk) – 07/04/2014

Table 3 – Acid deposition

Site	Critical Load keq/ha/yr	PC Kg N/ha/yr	PC % Critical Load
Quants	0.638	0.036	5.577%

*Critical load values taken from APIS website (www.apis.ac.uk) – 07/04/2014

Ammonia Assessment – SSSI's

The following trigger thresholds have been applied for assessment of SSSI's. If the Process Contribution (PC) is below 20% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment. Where this threshold is exceeded an in-combination assessment and/or detailed modelling may be required.

Initial screening using Ammonia Screening Tool (v4.4) has indicated that emissions from Gerbestone Manor Farm will only have a potential impact on SSSI sites with a precautionary critical level of 1 $\mu\text{g}/\text{m}^3$ if they are within 1,740m of the emission source.

Initial screening indicates that beyond 1,740m the PC is less than 0.2ug/m³ (i.e. less than 20% of the precautionary 1ug/m³ critical level) and therefore beyond this distance the PC is insignificant. All SSSIs are beyond this distance. It is possible to conclude no damage on these sites.

Table 4 – SSSI Assessment

Name of SSSI	Distance from site (m)	Ammonia CLe µg/m ³
Black Down & Sampford Commons	5,008m	1*
Ashculm Turbary	4,043m	1*
Ringdown	4,269m	1*
Lang's Farm	4,356m	1*
Quants	2,556m	1*

* Where the precautionary level of 1µg/m³ is used, and the process contribution is assessed to be < 20% the site automatically screens out as insignificant, and no further assessment of critical load is necessary. In these cases the 1µg/m³ level used has not been confirmed by Natural England, but it is precautionary.

Ammonia assessment - LWS/AW

There are eight Local Wildlife Sites (LWS) and two sites of Ancient Woodland (AW) within 2 km of Gerbestone Manor Farm installation. The following trigger thresholds have been applied for the assessment of these sites.

1. If PC is < 100% of relevant Critical Level or Load, then the farm can be permitted.

Screening using Ammonia Screening Tool (v4.4) has indicated that emissions from the Gerbestone Manor Farm installation will only have a potential impact on sites with a precautionary critical level of 1 µg/m³ if they are within 727m of the emission source. Screening indicates that beyond this distance, the Process Contribution at conservation sites is less than 1ug/m³ (i.e. less than 100% of the 1ug/m³ critical level) and therefore beyond this distance the PC is insignificant. In this case all Local Wildlife Sites and Ancient Woodland listed below are beyond this distance.

Table 5 – distance from source

Site	Distance (m)
Buckland Wood LWS	2,040
Ruggin LWS	1,777
Buckland Farm Field LWS	1,888
Ford Street Fields LWS	1,697
Gortnell Fields LWS	1,825
Gortnell Common Complex LWS	1,380
Overlands Coppice LWS	1,192
Farm/ Buckland Woods AW	1,716

The PC at these sites has been screened as insignificant. It is possible to conclude no significant pollution will occur at these sites and no further assessment is required.

Gerbestone Copse LWS and AW is within 727m of the site. This site has been screened out from requiring detailed modelling assessment as set out above, using results of the Ammonia Screening Tool (v4.4). The Process Contribution on the LWS and AW for ammonia and acid deposition from the application site are under the

100% significance threshold and can be screened out as having no likely significant effect. A Cle of 3 µg/m³ has been applied as no protected lichen or bryophytes species were found when checking easimap protected species layer

Table 6 - Ammonia Emissions LWS's and AW

Site	Critical Level Ammonia µg/m ³	PC µg/m ³	PC % Critical Level
Gerbestone Copse LWS	3	2.060	68.7%
Gerbestone Copse AW	3	1.992	66.4%

Table 7 - Acidification

Site	Critical Load acidification keq/ha/yr	PC keq/ha/yr	PC % Critical Load
Gerbestone Copse LWS	2.75*	0.764	27.785
Gerbestone Copse AW	2.75*	0.739	26.87

* Critical load values taken from APIS website (www.apis.ac.uk) – 07/04/2014

Initial screening has determined the process contribution of nitrogen deposition on Gerbestone Copse LWS and AW from the site is slightly above the 100% threshold. However, we have taken a pragmatic, risk based decision that the AST result is extremely conservative in its estimate. It is more than likely that further detailed modelling would reduce the process contribution below the 100% threshold, therefore the site can be screened out as insignificant.

Table 7 - Nutrient enrichment

Site	Critical Load nutrient enrichment kg N/ha/yr	PC Kg N/ha/yr	PC % Critical Load
Gerbestone Copse LWS	10*	10.697	107%
Gerbestone Copse AW	10*	10.345	103.4%

* Critical load values taken from APIS website (www.apis.ac.uk) – 07/04/2014

No further assessment is required.

Groundwater/Soil Monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain condition 3.1.3 relating to groundwater monitoring. However, the Environment Agency's H5 Guidance states **that it is only necessary for the operator to take samples** of soil or groundwater and measure levels of contamination where the evidence that there is, or could be existing contamination and:

- The environmental risk assessment has identified that the same contaminants are a particular hazard; or
- The environmental risk assessment has identified that the same contaminants are a hazard and your risk assessment has identified a possible pathway to land or groundwater.

H5 Guidance further states that it is **not essential for the Operator** to take samples of soil or groundwater and measure levels of contamination where:

- The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historic contamination by those substances that present the hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

The site condition report for Gerbestone Manor Farm (*Appendix E, Site Conditions, March 2014*) demonstrates that there are no hazards to land or groundwater and no historic contamination on site that may present a hazard. **Therefore, although this condition is included in the permit, no groundwater or soil monitoring will be required at this installation as a result.**

Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/ notice.

Aspect considered	Justification / Detail	Criteria met
Yes		
Consultation		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
Operator		
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. Refer to key issues section above for further information regarding the Industrial Emissions Directive (IED).	✓
The site		
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Site condition report	The operator has provided a description of the condition of the site. We consider this description is satisfactory. The decision was taken in accordance with our guidance on site	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	condition reports and baseline reporting under IED–guidance and templates (H5).	
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>A full assessment of the application and its potential to affect the sites has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites for the reasons outlined in the Key Issues section.</p> <p>An Appendix 11 Habitats Assessment and Appendix 12 Appropriate Assessment has been sent to Natural England for Information Only on 22/04/2014 and saved to EDRM for audit on 16/04/2014.</p> <p>A CRoW Assessment was saved to EDRM for Information Only on 16/04/2014.</p> <p>An 'other nature conservation sites' proforma was saved to EDRM for Information Only on 16/04/2014.</p>	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operator has proposed the following key techniques:</p> <ul style="list-style-type: none"> • Dirty water storage facilities are in place on site; • Nipple drinkers are used to reduce wastage of water and maintain dry litter; • All housing is well insulated; • Shed 2 is an aviary system with litter removed daily; • Mortalities are collected daily and stored in a 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>secure container on site for removal under the National Fallen Stock Scheme.</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in SGN EPR6.09 'How to comply with your environmental permit for intensive farming (version 2)' Technical Guidance Note and we consider them to represent appropriate techniques for the facility.</p>	
The permit conditions		
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓
Operator Competence		
Environment management system	<p>There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
Financial provision	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓

Annex 2: Consultation and web publicising

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

Response received from
Taunton Deane Borough Council – Environmental Health department – 15 th April 2014
Brief summary of issues raised
With regards to noise nuisance, no complaints or action has been taken on site. There are no local noise initiatives in the area and private action has been taken against the site with regards to noise.
Summary of actions taken or show how this has been covered
No action necessary.

The following organisations were consulted, however no response was received:

- Health and Safety Executive;
- Taunton Deane Borough Council – Planning department.

This proposal was also publicised on the Environment Agency's website between 10/04/2014 and 14/05/2014, but no representations were received during this period.